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2 CONSUMER LAW CENTER, INC.
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5 Attorney for Plaintiff
BETTY JEAN NAPIER

10 BETTY JEAN NAPIER

Plaintiff,

V.

13 TITAN MANAGEMENT SERVICES, LLC,
14 a Georgia limited liability company, and
15 FREDERICK ALLEN HOWARD,
individually and in his official capacity,

Defendants.

Case No. C08-00910-RS

**REQUEST FOR ENTRY OF
DEFAULT AGAINST DEFENDANT,
TITAN MANAGEMENT SERVICES,
LLC**

17 TO: CLERK OF THE DISTRICT COURT:

18 Please enter a default in this matter against Defendant, TITAN MANAGEMENT
19 SERVICES, LLC, on the ground that said party has failed to plead or otherwise defend this action
20 within the time prescribed by the Federal Rules of Civil Procedure. Specific facts supporting the
21 entry of default are set forth in the accompanying declaration of counsel.

CONSUMER LAW CENTER, INC.

24 | Dated: April 23, 2008

By: /s/ Fred W. Schwinn

Fred W. Schwinn, Esq.
Attorney for Plaintiff
BETTY JEAN NAPIER

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8 Attorney for Plaintiff
 9 BETTY JEAN NAPIER

10 **IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION**

13 BETTY JEAN NAPIER,

14 Plaintiff,

15 v.

16 TITAN MANAGEMENT SERVICES, LLC,
 17 a Georgia limited liability company, and
 18 FREDERICK ALLEN HOWARD,
 19 individually and in his official capacity,

20 Defendants.

21 Case No. C08-00910-RS

22 **DECLARATION OF COUNSEL IN
 23 SUPPORT OF ENTRY OF DEFAULT
 24 AGAINST DEFENDANT, TITAN
 25 MANAGEMENT SERVICES, LLC**

26 [Fed. R. Civ. P. 55(a)]

27 FRED W. SCHWINN, hereby declares under penalty of perjury, pursuant to 28 U.S.C. §
 28 1746, that the following statements are true and correct:

29 1. I am an attorney and counselor at law, duly admitted to practice before this
 30 Court, and the counsel of record for Plaintiff. In my capacity as the counsel of record for Plaintiff,
 31 I have personal knowledge of the matters stated in this declaration.

32 2. I hereby make application to the Clerk of this Court for entry of default as to
 33 Defendant, TITAN MANAGEMENT SERVICES, LLC, pursuant to Rule 55(a), Federal Rules of
 34 Civil Procedure, and in support of this application do show that:

35 a. Defendant was served by Certified Mail with Return Receipt, with
 36 copies of Plaintiff's Summons and Complaint, as authorized by Cal.
 37 Civil Procedure Code § 415.40 and Rule 4(c)(1), Federal Rules of
 38 Civil Procedure;;

- b. Upon Plaintiff's information and belief, Defendant, being a Georgia limited liability company with its principal place of business in Duluth, Georgia, is neither an infant nor an incompetent person requiring special service in accordance with Rule 4(g), Federal Rules of Civil Procedure, and is not serving with the armed forces of the United States entitled to the protection of 50 U.S.C. § 520;
- c. Defendant has neither answered nor otherwise responded formally to Plaintiffs's Summons and Complaint, and the time to do so, as provided in Rule 12(a), Federal Rules of Civil Procedure, has expired;
- d. Copies of this Declaration and the Request for Entry of Default, seeking entry of default, which are being filed herewith, have this date been served upon Defendant by regular mail, postage prepaid.

Executed on April 23, 2008, at San Jose, California.

/s/ Fred W. Schwinn
Fred W. Schwinn, Esq.
Attorney for Plaintiff
BETTY JEAN NAPIER

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BETTY JEAN NAPIER,

Plaintiff,

V.

TITAN MANAGEMENT SERVICES, LLC,
a Georgia limited liability company, and
FREDERICK ALLEN HOWARD,
individually and in his official capacity,

Defendants.

Case No. C08-00910-RS

**ENTRY OF DEFAULT AGAINST
DEFENDANT, TITAN
MANAGEMENT SERVICES, LLC**

It appears from the record that the following defendant failed to plead or otherwise defend in this case as required by law.

Name: _____

TITAN MANAGEMENT SERVICES, LLC

Therefore, default is entered against the defendant as authorized by Fed R. Civ. P. 55(a).

Clerk of the Court

By:

Deputy Clerk

Date

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5 Attorney for Plaintiff
BETTY JEAN NAPIER

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

10 BETTY JEAN NAPIER,
11 Plaintiff,
12 v.
13 TITAN MANAGEMENT SERVICES
14 a Georgia limited liability company, and
15 FREDERICK ALLEN HOWARD,
individually and in his official capacity
16 Defendant

Case No. C08-00910-RS

**CERTIFICATE OF SERVICE
BY MAIL**

17 STATE OF CALIFORNIA)
18 COUNTY OF SANTA CLARA) ss:
)

19 I am employed in the County of Santa Clara, California. I am over the age of eighteen years
20 and not a party to the within entitled cause. My business address is 12 South First Street, Suite
21 1014, San Jose, California 95113-2418. On April 23, 2008, I served the following:

22 1. REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT, TITAN
23 MANAGEMENT SERVICES, LLC

24 2. DECLARATION OF COUNSEL IN SUPPORT OF ENTRY OF DEFAULT
25 AGAINST DEFENDANT, TITAN MANAGEMENT SERVICES, LLC

3. ENTRY OF DEFAULT AGAINST DEFENDANT, TITAN MANAGEMENT
SERVICES, LLC

27 on the interested parties in said cause, by placing a true and correct copy thereof in a sealed envelope
28 with postage fully prepaid thereon and depositing it in the United States mail at San Jose, California

1 addressed as follows:

2 **DEFENDANT:**

3 Titan Management Services, LLC
4 c/o Frederick Allen Howard, Agent for Service
5 2160 Satellite Boulevard, Suite 350
6 Duluth, GA 30097-4074

7 I declare under penalty of perjury that the foregoing is true and correct and that this
8 declaration was executed at San Jose, California on April 23, 2008.

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10 /s/ Fred W. Schwinn